

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Eolas Technologies Incorporated,	§	
	§	
Plaintiff,	§	Civil Action No. 6:09-CV-00446-LED
	§	
	§	
vs.	§	
	§	
	§	
Adobe Systems Inc., Amazon.com, Inc.,	§	JURY TRIAL
Apple Inc., Argosy Publishing, Inc.,	§	
Blockbuster Inc., CDW Corp.,	§	
Citigroup Inc., eBay Inc., Frito-Lay, Inc.,	§	
The Go Daddy Group, Inc., Google Inc.,	§	
J.C. Penney Company, Inc., JPMorgan	§	
Chase & Co., New Frontier Media, Inc.,	§	
Office Depot, Inc., Perot Systems Corp.,	§	
Playboy Enterprises International, Inc.,	§	
Rent-A-Center, Inc., Staples, Inc., Sun	§	
Microsystems Inc., Texas Instruments Inc.,	§	
Yahoo! Inc., and YouTube, LLC	§	
	§	
	§	
Defendants.	§	
	§	

**EOLAS' REPLY TO DEFENDANT PEROT SYSTEMS CORPORATION'S ANSWER
AND COUNTERCLAIMS**

Plaintiff Eolas Technologies Incorporated (“Eolas” or “Plaintiff”) hereby replies to the counterclaims set forth in Perot Systems Corporation’s (“Perot Systems”) Answer and Counterclaims as follows:

COUNTERCLAIMS

I. The Parties

78. On information and belief, based solely on Perot Systems’ response to paragraph 17 of Eolas’ Complaint, Eolas admits the allegations in paragraph 78 of Perot Systems’ Answer and Counterclaims.

79. Eolas admits the allegations in paragraph 79 of Perot Systems' Answer and Counterclaims.

II. Jurisdiction

80. Eolas admits that Perot Systems' counterclaims arise under the Patent Laws of the United States, Title 35, United States Code. Eolas admits that the jurisdiction of this court is proper over these counterclaims. Except as so admitted, Eolas denies the allegations in paragraph 80 of Perot Systems' Answer and Counterclaims.

81. Eolas admits that venue is proper in this District, and in the Tyler Division. Except as so admitted, Eolas denies the allegations in paragraph 81 of Perot Systems' Answer and Counterclaims.

82. Eolas admits that this court has personal jurisdiction over it. Except as so admitted, Eolas denies the allegations in paragraph 82 of Perot Systems' Answer and Counterclaims.

III. General Allegations

83. Eolas admits the allegations in paragraph 83 of Perot Systems' Answer and Counterclaims.

84. Eolas admits the allegations in paragraph 84 of Perot Systems' Answer and Counterclaims.

85. Eolas admits the allegations in paragraph 85 of Perot Systems' Answer and Counterclaims.

86. Eolas admits that there is an actual and justiciable controversy between Eolas and Perot Systems. Except as so admitted, Eolas denies the allegations in paragraph 86 of Perot Systems' Answer and Counterclaims.

IV. Declaratory Relief Regarding Non-Infringement of the '906 Patent

87. Eolas denies the allegations in paragraph 87 of Perot Systems' Answer and Counterclaims.

88. Eolas denies the allegations in paragraph 88 of Perot Systems' Answer and Counterclaims.

V. Declaratory Relief Regarding Non-Infringement of the '985 Patent

89. Eolas denies the allegations in paragraph 89 of Perot Systems' Answer and Counterclaims.

90. Eolas denies the allegations in paragraph 90 of Perot Systems' Answer and Counterclaims.

VI. Declaratory Relief Regarding Invalidity of the '906 Patent

91. Eolas denies the allegations in paragraph 91 of Perot Systems' Answer and Counterclaims.

92. Eolas denies the allegations in paragraph 92 of Perot Systems' Answer and Counterclaims.

VII. Declaratory Relief Regarding Invalidity of the '985 Patent

93. Eolas denies the allegations in paragraph 93 of Perot Systems' Answer and Counterclaims.

94. Eolas denies the allegations in paragraph 94 of Perot Systems' Answer and Counterclaims.

95. Eolas denies the allegations in paragraph 95 of Perot Systems' Answer and Counterclaims.

PEROT SYSTEMS' REQUESTED RELIEF

Eolas denies that Perot Systems is entitled to the relief requested in paragraphs A-Q of its Answer and Counterclaims or any other relief on its Counterclaims.

PEROT SYSTEMS' JURY DEMAND

Perot Systems' demand for a jury trial does not contain a statement which warrants an affirmance or denial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Eolas Technologies Incorporated, prays for the following relief against Defendant Perot Systems Corporation.:

- A. that all relief requested by Eolas in its Complaint be granted;
- B. that all relief requested by Perot Systems in its Answer and Counterclaims to Plaintiff's Complaint be denied and that Perot Systems take nothing by way of its Counterclaims;
- C. that Perot Systems be ordered to pay the costs of this action (including all disbursements) and attorney fees as provided by 35 U.S.C. § 285 and all other applicable statutes, rules, and common law; and
- D. such other and further relief as the Court deems just and equitable.

AFFIRMATIVE DEFENSES

As affirmative defenses, Eolas alleges as follows:

FIRST AFFIRMATIVE DEFENSE

Perot Systems has failed to state a claim upon which relief can be granted, with respect to each cause of action set forth in its Answer and Counterclaims.

SECOND AFFIRMATIVE DEFENSE

Perot Systems has failed to state facts and/or a legal basis sufficient to permit recovery of its attorneys' fees and/or expenses for defending this suit.

OTHER AFFIRMATIVE DEFENSES

Eolas hereby gives notice that it intends to rely upon any other defense that may become available in this case and hereby reserves the right to amend this Answer to assert any such defense.

DEMAND FOR JURY TRIAL

Eolas demands a trial by jury of any and all issues triable of right before a jury.

DATED: January 11, 2010.

Respectfully submitted,

McKOOL SMITH, P.C.

/s/ Mike McKool

Mike McKool

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**ATTORNEYS FOR PLAINTIFF
EOLAS TECHNOLOGIES, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic services on this the 11th day of January, 2010. Local Rule CV-5(a)(3)(A).

/s/ Josh Budwin

Josh Budwin